

DRAFT
PUBLIC MINUTES

THE COMMITTEE OF BAR EXAMINERS

OF

THE STATE BAR OF CALIFORNIA

March 23, 2018

State Bar of California Offices
180 Howard Street
San Francisco, California

A meeting of the Committee of Bar Examiners of The State Bar of California convened in closed session at 12:45 p.m., Friday, March 23, 2018, in a meeting room at the State Bar offices in San Francisco, Erika Hiramatsu, Chair, presiding. Officers and members present were: Erika Hiramatsu, Chair, David A. Torres, Vice-Chair, Angeli O. Agatep, M.D., James A. Bolton, Ph.D., Alex H. Chan, James H. Efting, Dolores Heisinger, Kareem Gongora, Karen M. Goodman, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Esther P. Lin, and Patricia M. Villalobos, Members. Members Robert S. Brody and Bethany J. Peak were absent. State Bar staff members in attendance were: Donna Hershkowitz, Chief Programs Office; Amy C. Nuñez, Interim Director III, Admissions; George C. Leal, Program Manager II, Educational Standards; Lisa Jeong Cummins, Program Manager III, Examinations; Greg S. Shin, Program Manager III, Operations and Management; Mark Torres-Gil, Program Manager III, Moral Character Determinations; Natalie Leonard, Program Manager III; Christina Doell, Program Manager I; Kim Wong, Administrative Supervisor; Destie Overpeck, Attorney III; Nicole Pereira, Attorney IV; Suzanne Grandt, Attorney IV; and Ron Pi, Principal Analyst. The meeting concluded at approximately 1:10 p.m., at which time the Committee's subcommittees convened. Also in attendance were: Dean Dean Barbieri, Dean Mitch Winick, Dean Laura Palazzolo, Dean James Schiavenza, and Associate Dean Elizabeth Xyr. The Committee meeting reconvened into open session at 3:35 p.m.; member David Torres left the meeting at 4:10 p.m. and member James Bolton left the meeting at 4:20 p.m. The meeting adjourned at 4:55 p.m.

2017 AND 2018 SUBCOMMITTEE ASSIGNMENTS

It was by common consent agreed that the updated 2017 – 2018 Committee of Bar Examiners Subcommittee and other assignments, as attached to these minutes as "Item 1", be received and filed.

RECOGNITION OF RESIGNED COMMITTEE MEMBER

It was by common consent agreed that Move, that the Committee's gratitude be extended to an outgoing Committee member Lee Wallach for his service on the Committee and that the following citation be prepared and presented to him:

This Citation was presented to Lee H. Wallach by the Committee of Bar Examiners of The State Bar of California in recognition of his service as a Committee Member during the 2001 – 2018 Committee years and his distinguished service to the legal profession in California.

FEBRUARY 2-3 AND FEBRUARY 20 COMMITTEE MEETINGS PUBLIC MINUTES

It was moved, seconded and duly carried that the minutes taken during the public sessions of the meetings on February 2 and 3, 2018 and February 20, 2018, be approved.

JANUARY AND FEBRUARY 2018 KEY INDICATORS

It was by common consent agreed that the January and February 2018 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

SCHEDULE FOR MAY 4 AND 5, 2018 COMMITTEE MEETING

It was by common consent agreed that the schedule for the May 4 and 5, 2018 Meeting, which will be held at the State Bar of California Offices in San Francisco, California, be received and filed.

SUBCOMMITTEE ON EXAMINATIONS

2017 – 2018 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2017 – 2018 goals for the Subcommittee on Examinations be approved.

SUBCOMMITTEE ON OPERATIONS AND MANAGEMENT

FINANCIAL ANALYSIS REPORT AS OF DECEMBER 31, 2017

It was by common consent agreed that the Financial Analysis report as of December 31, 2017 for the Admissions Fund be received and filed.

2017 – 2018 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2017 – 2018 goals for the Subcommittee on Operations and Management be approved.

SUBCOMMITTEE ON EDUCATIONAL STANDARDS

JOHN F. KENNEDY UNIVERSITY COLLEGE OF LAW – MAJOR CHANGE REQUEST RE OPENING BRANCH CAMPUS IN SAN JOSE

It was moved, seconded and duly carried that the Committee of Bar Examiners (Committee) directed members to submit any requests of data to the Chair of

Educational Standards Alex Lawrence by April 6, 2018; and that the requests would be submitted to Dean Dean Barbieri for a response by April 20, 2018; and his response would be placed on the agenda for discussion at the May 4-5 Committee meeting, when the Committee will revisit this request. The subcommittee also exercised its option to extend the time limit prescribed by the rules (under Rule 4.111), to allow more time to consider its decision on the branch campus expansion.

MONTEREY COLLEGE OF LAW – MAJOR CHANGE REQUEST TO ELEVATE
EXISTING SANTA CRUZ SATELLITE CAMPUS TO A BRANCH CAMPUS

It was moved, seconded and duly carried that the Committee of Bar Examiners (Committee) directed members to submit any requests of data to the Chair of Educational Standards Alex Lawrence by April 6, 2018; and that the requests would be submitted to Dean Mitchel Winick for a response by April 20, 2018; and his response would be placed on the agenda for discussion at the May 4-5 Committee meeting, when the Committee will revisit this request.

MONTEREY COLLEGE OF LAW – MAJOR CHANGE REQUEST
FOR APPROVAL OF A HYBRID J.D. DEGREE PROGRAM

It was moved, seconded and duly carried, with member Kareem Gongora abstaining that pursuant to Rules 4.105(J), 4.109, 4.164 and 4.165(E) of the Accredited Law School Rules, the Request for a Major Change and the Waiver Petition of MCL, to allow it to offer a “hybrid” J.D. degree program, incorporating distance-learning technology in course content of up to 63 units (70%) of its 90-unit curriculum, be approved as a pilot program; that its Petition for a waiver of the 12-unit limitation as to the use of such technology under Guideline 7.11 of the Guidelines for Accredited Law School Rules be granted, subject to annual renewal; and that the law school be required to submit to the Committee of Bar Examiners a detailed assessment report on the new program within one year of when students first start attending classes in said program.

IMPLEMENTATION OF COMMITTEE OF BAR EXAMINERS GUIDELINE FOR
MINIMUM CUMULATIVE BAR EXAMINATION PASS RATE (MPR) CALCULATION

It was moved, seconded and duly carried that the definition of “taker,” as set forth in the Committee’s *Guidelines for Allocation of Applicants, Production of Examination Statistics and Law School Lists*, be applied retroactively to each pass/fail list previously sent to the California Accredited Law School (CALS) for the administrations of the California Bar Examination (CBX) reported in 2013 through 2017, so as to allow each CALS, pursuant to *Accredited Law School Guideline 12.1*, to calculate accurately its MPR statistic for the reporting of August 1, 2012 through July 31, 2017; and that staff is directed to provide each CALS with the information necessary to assist them in preparing their MPRs in compliance with the Committee’s guidelines.

**CONCORD LAW SCHOOL – MAJOR CHANGE REQUEST RE CONVERSION
FROM A FOR-PROFIT TO A NON-PROFIT ENTITY AND CHANGE OF NAME**

It was moved, seconded and duly carried that the request submitted pursuant to Rules 4.245 and Rule 4.246 subsections (G), (H) and (I) of the Unaccredited Law School Rules by Concord Law School (CLS) seeking approval of a major change that would allow Concord Law School, as a part of Kaplan University, to change from a for-profit into a not-for-profit entity and subsequent change of its name to Concord Law School at Purdue University Global be received and filed; and that the request be approved.

2017 – 2018 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2017 – 2018 goals for the Subcommittee on Educational Standards be approved.

SUBCOMMITTEE ON MORAL CHARACTER

2017 – 2018 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2017 – 2018 goals for the Subcommittee on Moral Character be approved.

ADJOURNMENT

Having concluded all the business scheduled for consideration during the open and closed sessions of the meeting, the meeting was adjourned at 4:55 p.m., Friday, March 23, 2018.



**COMMITTEE OF BAR EXAMINERS
SUBCOMMITTEE ASSIGNMENTS
2018**

Educational Standards:

Alex Lawrence, Chair
Paul Kramer, Vice-Chair
Angeli Agatep
Alex Chan
Kareem Gongora
Karen Goodman
Bethany Peak
David Torres

Examinations:

David Torres, Chair
Dolores Heisinger, Vice-Chair
Angeli Agatep
Robert Brody
James Efting
Larry Kaplan
Patricia Villalobos

Operations & Management:

Karen Goodman, Chair
Robert Brody, Vice-Chair
James Bolton
Kareem Gongora
Paul Kramer
Esther Lin

Moral Character:

James Efting, Chair
Patricia Villalobos, Vice-Chair
James Bolton
Alex Chan
Dolores Heisinger
Larry Kaplan
Alex Lawrence
Esther Lin
Bethany Peak

Law School Council Representatives:

Karen Goodman
Erika Hiramatsu
Esther Lin

Rules Advisory Committee Representatives:

Karen Goodman
Erika Hiramatsu
Esther Lin